

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Jessica Russo	Team: Squad #10	CCRB Case #: 202105575	<input checked="" type="checkbox"/> Force <input type="checkbox"/> Discourt. <input checked="" type="checkbox"/> U.S. <input checked="" type="checkbox"/> Abuse <input type="checkbox"/> O.L. <input type="checkbox"/> Injury
Incident Date(s) Thursday, 09/09/2021 5:43 PM, Thursday, 06/23/2022 9:51 AM	Location of Incident: Outside of § 87(2)(b) and 100 Church Street	18 Mo. SOL 3/9/2023	Precinct: 61
Date/Time CV Reported Fri, 09/10/2021 10:03 AM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Fri, 09/17/2021 1:40 PM

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Nicholas Felix	27048	950397	061 PCT
2. POM Patrick McMahon	22268	968632	061 PCT
3. POF Beatrice Slavesco	13086	966346	061 PCT
4. PO Regina Ou	16669	967635	061 PCT
5. SGT Smithu Samuel	02294	933322	061 PCT
6. LT Marlon Rowe	00000	929869	061 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. PO Stephanie Beplat	02854	963399	061 PCT
2. PO Ryan Caine	07700	963425	061 PCT
3. PO Nicholas Lynch	24326	967177	061 PCT
4. PO Stephen Locastro	18906	967965	061 PCT

Officer(s)	Allegation	Investigator Recommendation
A. PO Regina Ou	Abuse: On September 9, 2021, outside of § 87(2)(b) in Brooklyn, Police Officer Regina Ou stopped § 87(2)(b)	
B. POM Patrick McMahon	Abuse: On September 9, 2021, outside of § 87(2)(b) in Brooklyn, Police Officer Patrick McMahon stopped § 87(2)(b)	
C. PO Regina Ou	Force: On September 9, 2021, outside of § 87(2)(b) in Brooklyn, Police Officer Regina Ou used physical force against § 87(2)(b)	
D. POM Patrick McMahon	Force: On September 9, 2021, outside of § 87(2)(b) in Brooklyn, Police Officer Patrick McMahon used physical force against § 87(2)(b)	
E. POF Beatrice Slavesco	Force: On September 9, 2021, outside of § 87(2)(b) in Brooklyn, Police Officer Beatrice Slavesco used physical force against § 87(2)(b)	
F. POM Nicholas Felix	Force: On September 9, 2021, outside of § 87(2)(b) in Brooklyn, Police Officer Nicholas Felix used physical force against § 87(2)(b)	

Officer(s)	Allegation	Investigator Recommendation
G.POM Nicholas Felix	Abuse: On September 9, 2021, outside of § 87(2)(b) in Brooklyn, Police Officer Nicholas Felix threatened § 87(2)(b) with the use of force.	
H.POM Nicholas Felix	Force: On September 9, 2021, outside of § 87(2)(b) in Brooklyn, Police Officer Nicholas Felix used a Taser on § 87(2)(b)	
I.POM Nicholas Felix	Abuse: On September 9, 2021, outside of § 87(2)(b) in Brooklyn, Police Officer Nicholas Felix threatened § 87(2)(b) with the use of force.	
J.SGT Smithu Samuel	Force: On September 9, 2021, outside of § 87(2)(b) in Brooklyn, Sergeant Smithu Samuel used physical force against § 87(2)(b)	
K.SGT Smithu Samuel	Force: On September 9, 2021, outside of § 87(2)(b) in Brooklyn, Sergeant Smithu Samuel used a chokehold against § 87(2)(b)	
L.SGT Smithu Samuel	Force: On September 9, 2021, outside of § 87(2)(b) in Brooklyn, Sergeant Smithu Samuel restricted § 87(2)(b) breathing.	
M.LT Marlon Rowe	Force: On September 9, 2021, outside of § 87(2)(b) in Brooklyn, Lieutenant Marlon Rowe used physical force against § 87(2)(b)	
N.LT Marlon Rowe	Force: On September 9, 2021, outside of § 87(2)(b) in Brooklyn, Lieutenant Marlon Rowe used a chokehold against § 87(2)(b)	
O.LT Marlon Rowe	Force: On September 9, 2021, outside of § 87(2)(b) in Brooklyn, Lieutenant Marlon Rowe restricted § 87(2)(b) breathing.	
P.SGT Smithu Samuel	Untruthful Stmt.: On June 23, 2022, at 100 Church Street in Manhattan, Sergeant Smithu Samuel provided a false official statement to the CCRB.	
§ 87(2)(g), § 87(4-b)		

### Case Summary

On September 10, 2021, § 87(2)(b) filed this complaint over the phone with the Internal Affairs Bureau, on behalf of her son, § 87(2)(b) and his girlfriend, § 87(2)(b). On September 17, 2021, the CCRB received this complaint.

On September 9, 2021, at approximately 5:43 p.m., Police Officers Regina Ou, Patrick McMahon, Beatrice Slavescu, and Nicholas Felix, all from the 61<sup>st</sup> Precinct, responded to § 87(2)(b) in Brooklyn regarding a family dispute with a weapon. Upon arrival, § 87(2)(b) § 87(2)(b) ex-girlfriend, was exiting the building. PO Ou and PO McMahon stopped § 87(2)(b) (**Allegations A and B: Abuse of Authority-Stop**, § 87(2)(g) § 87(2)(b) exited the building, and PO Ou, PO McMahon, PO Slavescu, and PO Felix used force to place him in handcuffs (**Allegations C, D, E, and F: Force-Physical Force**, § 87(2)(g) PO Felix pointed his Taser at § 87(2)(b) (**Allegation G: Abuse of Authority-Threat of Force**, § 87(2)(g) During the handcuffing process, PO Felix activated his Taser to subdue § 87(2)(b) and the prongs made contact with § 87(2)(b) body (**Allegation H: Force-Nonlethal Restraining Device**, § 87(2)(g) After using his Taser, PO Felix told § 87(2)(b) that he would “shoot him again” (**Allegation I: Abuse of Authority: Threat of Force (verbal)**, § 87(2)(g) The officers placed § 87(2)(b) in handcuffs.

Sergeant Smithu Samuel, also from the 61<sup>st</sup> Precinct, arrived on scene after § 87(2)(b) was handcuffed. While § 87(2)(b) was seated on the ground, Sgt. Samuel lifted him off the ground and brought him down to the ground, again, several feet away (**Allegation J: Force-Physical Force**, § 87(2)(g) When on the ground, Sgt. Samuel applied pressure to § 87(2)(b) head or neck (**subsumed in allegation J**), which allegedly restricted § 87(2)(b) breathing (**Allegation K: Force-Chokehold**, § 87(2)(g) (**Allegation L: Force-Restricted Breathing**, § 87(2)(g)

Lieutenant Marlon Rowe, also from the 61<sup>st</sup> Precinct, arrived on scene while Sgt. Samuel was interacting with § 87(2)(b) Police Officers Stephanie Belpat, Ryan Caine, Nicholas Lynch, and Stephen Lecastro, all from the 61<sup>st</sup> Precinct, arrived on scene around when Lieutenant Rowe did. Lieutenant Rowe escorted § 87(2)(b) to a seated position, where he used force to pull § 87(2)(b) shirt over his nose and mouth, allegedly restricting his breathing (**Allegation M: Force-Physical Force**, § 87(2)(g) (**Allegation N: Force-Chokehold**, § 87(2)(g) (**Allegation O: Force-Restricted Breathing**, § 87(2)(g) While pulling the shirt over § 87(2)(b) face, Lieutenant Rowe allegedly injured his nose (**Subsumed in Allegation M**).

On June 23, 2022, at approximately 9:51 a.m., at 100 Church Street in Manhattan, Sgt. Samuel provided a false official statement during his CCRB interview (**Allegation P: Untruthful Statement: False Official Statement**, § 87(2)(g)

§ 87(2)(g), § 87(4-b)

As a result of this incident, § 87(2)(b) was arrested for assaulting a police officer, assault with intent to cause physical injury, resisting arrest, obstruction of government administration, and harassment in the second degree (**BR01**). § 87(2)(b) was arrested for assault with intent to cause physical injury (**BR02**).

The investigation obtained BWC from all of the named officers (**BR03**), § 87(2)(g), § 87(4-b)

§ 87(2)(g), § 87(4-b) The relevant footage will be discussed below.

### Findings and Recommendations

**Allegation (A) Abuse of Authority: On September 9, 2021, outside of § 87(2)(b) in Brooklyn, Police Officer Regina Ou stopped § 87(2)(b)**

**Allegation (B) Abuse of Authority: On September 9, 2021, outside of § 87(2)(b)**

**in Brooklyn, Police Officer Patrick McMahon stopped § 87(2)(b)**

PO McMahon's BWC (BR05) captures the officers' initial encounter with § 87(2)(b). At the 01:00 mark, or 5:45 p.m., § 87(2)(b) exits the building and PO Ou asks if she could wait there. The officers ask § 87(2)(b) what happened, and she tells them that § 87(2)(b) her boyfriend—is abusive. At the 01:40 mark, § 87(2)(b) states that she has been staying at § 87(2)(b) apartment and that he beat “the shit out of [her]” that day. At the 02:11 mark, § 87(2)(b) walks down the ramp of the building. PO Ou states that § 87(2)(b) is coming downstairs, and PO McMahon tells § 87(2)(b) to wait. The four officers approach § 87(2)(b) to the left of the building entrance and stand with her. At the 03:00 mark, § 87(2)(b) states that there is no reason why she is being detained. PO Ou states that she is not detained, but they need to wait for § 87(2)(b) to hear his side of the story. § 87(2)(b) walks away again, stating that she is the one with the broken leg. PO Ou replies that § 87(2)(b) is the 911 caller. At the 03:39 mark, PO Ou privately tells PO McMahon that § 87(2)(b) told her that § 87(2)(b) destroyed everything in his apartment, bit him, and confirmed that there were no weapons. At the 04:20 mark, § 87(2)(b) comes downstairs and tells PO Ou and PO McMahon that § 87(2)(b) destroyed everything in his apartment. At the 05:18 mark, he shows PO McMahon and PO Ou a bruise on his inner arm, which § 87(2)(b) allegedly caused. He adds that § 87(2)(b) was grabbing him by his “balls and his dick.” At the 08:38 mark, § 87(2)(b) presents PO Ou and PO McMahon with a video of he and § 87(2)(b) arguing.

§ 87(2)(b) (BR06) stated that prior to calling the police, § 87(2)(b) arrived at his home on crutches. § 87(2)(b) often roamed around his building, intoxicated, and asking his neighbors for their phones. When § 87(2)(b) opened the door, § 87(2)(b) forced her way inside. He did not know if § 87(2)(b) was under the influence upon arriving. He denied being under the influence himself. § 87(2)(b) asked § 87(2)(b) to leave, as she was not welcome there. They began arguing, and § 87(2)(b) recorded the encounter. § 87(2)(b) attacked § 87(2)(b) biting him, jumping on him, and grabbing his testicles. § 87(2)(b) destroyed many things in his apartment, including his iPad, his television remote, and a flag he had hanging. § 87(2)(b) called his mother, § 87(2)(b) who called the police in regards. § 87(2)(b) ran out of the apartment. Shortly after, § 87(2)(b) received a phone call from a female police officer—PO Ou. PO Ou asked for a physical description of § 87(2)(b) and § 87(2)(b) stated that she had on a red-hooded sweatshirt, black leggings, and crutches. PO Ou asked § 87(2)(b) to go downstairs to identify § 87(2)(b) and he agreed to do so.

§ 87(2)(b) did not provide a statement to the investigation.

PO Ou (BR07) stated that she and PO McMahon received a call for help at the incident location from a male caller. She did not recall any additional information provided, including any physical descriptions. Upon approach, § 87(2)(b) was exiting the building and initiated conversation with the officers, stating that § 87(2)(b) broke her leg and that she needed to leave. PO Ou told her to stay at the location because § 87(2)(b) was the 911 caller and they had to speak with both parties. § 87(2)(b) walked toward the left side of the entrance and the officers followed behind her. § 87(2)(b) exited the building and began yelling at § 87(2)(b). PO Ou denied speaking with § 87(2)(b) prior to his approach, and she did not know what prompted him to leave his apartment. The officers kept § 87(2)(b) and § 87(2)(b) separated. § 87(2)(b) showed PO Ou a bruise on his upper-left-inner arm, where § 87(2)(b) allegedly bit him, noted that § 87(2)(b) destroyed his apartment, and showed a video, which captured commotion but no physical abuse.

PO McMahon's (BR08) and PO Slavescu's (BR 09) statements were generally consistent with PO Ou's statement, except for the following discrepancies. The initial call may have mentioned a weapon. Neither officer recalled if § 87(2)(b) presented evidence of § 87(2)(b) assault on him.

PO Felix's statement (BR10) was generally consistent with the other officers, apart from the following discrepancies. Both § 87(2)(b) and § 87(2)(b) expressed that the other caused bruises on their bodies. PO Felix saw § 87(2)(b) pointing to a bruise on his arm. As the most

tenured officer, PO Felix decided that both § 87(2)(b) and § 87(2)(b) would be arrested, given their conflicting statements. He confirmed this was a cross-complainant situation.

Event Chronology #§ 87(2)(b) (BR11) notes that three individuals called 911 in regard to the encounter between § 87(2)(b) and § 87(2)(b). At 7:32 p.m., an individual—with the last name, “§ 87(2)(b)” called 911, stating that they heard a woman possibly screaming for help and glass breaking. At 5:35 p.m., another individual—§ 87(2)(b) called 911, stating that she heard a woman screaming and telling someone to hang up the phone. She heard a male say, “Get off of me,” with screaming in the background. The third caller was § 87(2)(b) § 87(2)(b) brother. At 5:39 p.m., he called 911, stating that § 87(2)(b) ex-girlfriend was at the location with a knife, chasing § 87(2)(b) around. He heard things breaking while over the phone with § 87(2)(b) § 87(2)(b) was calling from another location. He described § 87(2)(b) as a 22-year-old white female, with a slim build and an unknown clothing description.

While there were conflicting reports regarding a weapon, it was undisputed that § 87(2)(b) and § 87(2)(b) were involved in a hostile dispute during which items were broken and both parties were yelling. § 87(2)(b) and his brother both provided physical descriptions of § 87(2)(b) that were consistent with her appearance, and, per BWC, PO Ou was aware of § 87(2)(b) description. It was also undisputed that PO Ou and PO McMahon first approach § 87(2)(b) as she was exiting the incident location within about ten minutes of the 911 calls.

People v. Peterson, 110 A.D. 3d 1103 (BR12) found that in order to lawfully stop and detain a particular person, police officers must have reasonable suspicion that a particular person has committed, is committing or is about to commit a felony or misdemeanor. When obtaining reasonable suspicion, officers must consider the similarities in provided descriptions of the defendant, as well as their temporal and spatial proximity to the incident of the crime.

New York Consolidated Law Service, Penal Law § 120.00 (BR13) notes that a person is guilty of assault in the third degree when, with intent to cause physical injury to another person, they cause injury to such person. This offense is a class A misdemeanor.

New York Consolidated Law Service, Penal Law § 145.00 (BR14) notes that a person is guilty of criminal mischief in the fourth degree when, having no right to do so nor any reasonable grounds to believe that they have such a right, a person intentionally damages property of another person. This offense is a class A misdemeanor.

Given that § 87(2)(b) closely matched the physical description of an individual involved in a hostile dispute and was seen exiting the incident location within 10 minutes of three 911 calls, § 87(2)(g)

**Allegation (C) Force: On September 9, 2021, outside of § 87(2)(b) in Brooklyn, Police Officer Regina Ou used physical force against § 87(2)(b)**

**Allegation (D) Force: On September 9, 2021, outside of § 87(2)(b) in Brooklyn, Police Officer Patrick McMahon used physical force against § 87(2)(b)**

**Allegation (E) Force: On September 9, 2021, outside of § 87(2)(b) in Brooklyn, Police Officer Beatrice Slavescu used physical force against § 87(2)(b)**

**Allegation (F) Force: On September 9, 2021, outside of § 87(2)(b) in Brooklyn, Police Officer Nicholas Felix used physical force against § 87(2)(b)**

**Allegation (G) Abuse of Authority: On September 9, 2021, outside of § 87(2)(b) in Brooklyn, Police Officer Nicholas Felix threatened § 87(2)(b) with the use of force.**

**Allegation (H) Force: On September 9, 2021, outside of § 87(2)(b) in Brooklyn, Police Officer Nicholas Felix used a Taser on § 87(2)(b)**

**Allegation (I) Abuse of Authority: On September 9, 2021, outside of § 87(2)(b) in Brooklyn, Police Officer Nicholas Felix threatened § 87(2)(b) with the use of force.**

The lobby entrance surveillance footage from § 87(2)(b) (BR15) captures the initial force used most clearly. At the 14:07 mark, PO Ou and PO McMahon initiate physical

contact with § 87(2)(b) PO Ou reaches for § 87(2)(b) arm, and he pulls away and walks away from the officers. PO Ou wraps her arms around § 87(2)(b) torso from behind, with an arm on either side of his upper body, by his biceps. PO McMahon assists, pulling § 87(2)(b) arms behind his back. PO Slavescu and PO Felix approach. PO Felix, who is face-to-face with § 87(2)(b) has his Taser drawn and pointed at § 87(2)(b) chest. He holsters the Taser, while the four officers pull § 87(2)(b) arms behind his back. PO Felix grabs the back of § 87(2)(b) neck, while the officers pull § 87(2)(b) arms, pulling him toward the ground. § 87(2)(b) breaks free, and the officers grab him again, minus PO Felix, who points his Taser at § 87(2)(b) chest at the 14:38 mark. At the 14:47 mark, PO Slavescu, PO Ou, and PO McMahon pull § 87(2)(b) body backward by his arms and shoulders. He remains standing and tensing his body. PO Felix stays in front of § 87(2)(b) and discharges his Taser at the 14:50 mark. § 87(2)(b) immediately falls to the ground. The three officers engage in an unclear struggle. PO Felix is not involved in the struggle on the ground. At the 15:22 mark, PO Felix points his Taser at § 87(2)(b) while he is on the ground and during the struggle.

PO Felix's BWC (**BR16**) shows him approaching § 87(2)(b) at the 15:00 mark, PO Felix approaches PO McMahon and PO Ou, who are pulling § 87(2)(b) arms behind his back. The officers tell § 87(2)(b) to place his arms behind his back and he asks, "for what," turning his body away from them. § 87(2)(b) holds his arms in front of him. PO Felix points his Taser at § 87(2)(b) as PO Ou and PO McMahon pull his arms behind his back. § 87(2)(b) is holding his arms toward his chest. When he notices PO Felix pointing the Taser, § 87(2)(b) releases tension in his arms, which allows PO Ou and PO McMahon to pull his arms behind his back, slightly. At the 15:18 mark, as PO Slavescu approaches, § 87(2)(b) brings his arms toward the front of his body. PO Felix joins the three officers in bringing § 87(2)(b) arms behind his back, while § 87(2)(b) stiffens his arms. At the 15:34 mark, § 87(2)(b) breaks free of the officers. PO Felix says, "Taser, Taser, Taser", and points his Taser at § 87(2)(b) chest. The three officers pull § 87(2)(b) arms behind his back, while he stiffens his body and tells them not to touch him. PO Felix deploys the Taser at the 15:48 mark. It is unclear if and where the prongs make contact. § 87(2)(b) screams and immediately falls to the ground, faced down. PO Slavescu, PO Ou, and PO McMahon pull his arms toward his back and tell him to give them his hands. § 87(2)(b) holds his arms in front of him and says he is not being arrested. The officers move § 87(2)(b) to a seated position. At the 16:15 mark, PO Felix points his Taser at § 87(2)(b) and says, "I'll shoot you again." At the 16:23 mark, PO Felix asks, "You want to ride again?" § 87(2)(b) places his arms behind his back shortly after. The officers place him in handcuffs at the 16:35 mark.

§ 87(2)(b) (**BR06**), a 6' tall white male, with brown hair, brown eyes, weighing 190 pounds, stated that after he showed PO Ou the bite mark, she approached § 87(2)(b) and the other officers that were with her, spoke with her, returned to § 87(2)(b) and pushed his chest twice. § 87(2)(b) stepped back and told PO Ou not to touch him. PO Ou told § 87(2)(b) to stop resisting. PO McMahon, PO Slavescu, and PO Felix, who were with § 87(2)(b) approached § 87(2)(b) PO McMahon hooked § 87(2)(b) right hand behind his back, with his knee pressed behind § 87(2)(b) knee. PO Slavescu hooked § 87(2)(b) left arm behind his back, with her knee behind his left leg. PO Ou and PO Felix were behind § 87(2)(b) one of them with their hands on § 87(2)(b) shoulders. The officers pushed § 87(2)(b) body in multiple directions, and § 87(2)(b) stiffened his body to prevent them from bringing him to the ground. None of the officers ordered § 87(2)(b) to place his arms behind his back or informed him that he was under arrest. PO Felix stepped in front of § 87(2)(b) unholstered his Taser, and pointed it at his chest. PO Felix deployed the Taser, but § 87(2)(b) turned his body to avoid contact. PO Felix deployed the Taser again, and the probes made contact with § 87(2)(b) stomach, just below his chest. PO Felix did not announce that he was going to use his Taser. § 87(2)(b) fell to the ground, landing face-first into the grass. PO Felix continuously activated the Taser while § 87(2)(b) was on the ground. The officers then handcuffed § 87(2)(b).

PO Ou's statement (**BR07**) was generally consistent with PO Felix's BWC. PO Ou grabbed

§ 87(2)(b) left arm and told him to put his hands behind his back. § 87(2)(b) resisted, pulling his arms forward and away from the officers. Apart from § 87(2)(b) saying that § 87(2)(b) was on crack, PO Ou did not observe any indication of § 87(2)(b) being under the influence. PO McMahon assisted, grabbing § 87(2)(b) right arm. The officers tried to pull § 87(2)(b) arms behind his back but were unable to given his resistance. PO Felix and PO Slavescu joined the officers in bringing § 87(2)(b) arms behind his back, but § 87(2)(b) continued trying to run away from the officers, so PO Felix stepped away, while PO Slavescu and PO Ou grabbed § 87(2)(b) left arm, and PO McMahon grabbed his right arm.

After struggling for about a minute, PO Felix announced that he was going to use his Taser. The prongs made contact with § 87(2)(b) but PO Ou did not see where. § 87(2)(b) screamed and immediately fell to the ground after he was Tased, landing on his buttocks, with his back straight up. While on the ground, § 87(2)(b) resisted by swinging his arms, yelling, and cursing. PO Ou secured a handcuff on § 87(2)(b) left wrist, but the officers had difficulty with the other. After about 15 seconds, the officers secured § 87(2)(b) handcuffs and sat him up on the ground.

PO McMahon's statement (**BR08**) was generally consistent with PO Ou's statement, except for the following discrepancies. § 87(2)(b) "[threw]" the officers around while they placed him in handcuffs, given his constant movement, his large stature, and his strength. § 87(2)(b) may have been under the influence, given his strength in the moment, his agitation, and his bloodshot eyes. After struggling for about 30 seconds, PO McMahon heard PO Felix deploy his Taser, but he did not recall hearing PO Felix give any Taser warnings. PO McMahon was unsure if the prongs made contact with § 87(2)(b). PO McMahon was unable to explain how § 87(2)(b) was affected by the Taser, as he continued shouting, stiffened his arms and tucked them into his chest.

PO Slavescu's statement (**BR09**) was generally consistent with PO Ou's statement, apart from the following discrepancies. PO Slavescu did not observe the beginning of this portion of the incident because she had been standing with § 87(2)(b). PO Ou, PO McMahon, and PO Felix struggled to place § 87(2)(b) in handcuffs. PO Slavescu did not remember how long the officers were struggling before PO Felix drew his Taser, if PO Felix made statements prior to using the Taser, and did not see where the prongs made contact with § 87(2)(b) body. § 87(2)(b) screamed when he was Tased, but PO Slavescu did not recall how he came to be on the ground. PO Slavescu did not recall PO Felix threaten to use his Taser a second time.

PO Felix's statement (**BR10**) was generally consistent with the other officers. To aid in overcoming § 87(2)(b) resistance, PO Felix approached the side of § 87(2)(b) body, attempting to use his leg to sweep § 87(2)(b) legs from under him, which was unsuccessful, given § 87(2)(b) continued resistance, his strength, and his objectively large stature. After a minute, PO Felix drew his Taser, pointed it at § 87(2)(b) and told him that he was going to Tase him if he did not stop. PO Felix did not recall how § 87(2)(b) reacted to this. PO Felix did not recall § 87(2)(b) making any kind of threatening statements or actions. After about 10 to 20 seconds, § 87(2)(b) pulled away and tensed his body as the officers attempted to pull his arms behind his back, so PO Felix deployed his Taser from a five to 10-foot distance. When deciding to use the Taser, PO Felix considered § 87(2)(b) continued resistance and determined it the best way to gain compliance.

One of the prongs made contact with § 87(2)(b) stomach, but PO Felix did not know where the other prong went. PO Felix did not activate the Taser more than once. § 87(2)(b) entire body did not stiffen up, as is the usual reaction to a Taser. § 87(2)(b) moved toward the ground on his own, without falling, because the Taser did not have much of an effect. Given his continued resistance, PO Felix told him that he would Tase him again if he did not stop resisting. § 87(2)(b) then complied with the officers. The officers assisted § 87(2)(b) in getting to the ground, helping him land on his side. The officers placed him in handcuffs, but PO Felix did not recall who specifically was involved. The officers helped § 87(2)(b) sit up on the ground. PO Felix did not recall using his Taser at any other point in the incident.

The Taser Data Sheet from September 9, 2022, associated with PO Felix's Taser—Serial #



§ 87(2)(b) shows that PO Felix activated his Taser once during this incident, at 6:01 p.m. (BR17).

Threat, Resistance, and Injury Report § 87(2)(b) documents PO Slavescu, PO Felix, PO Ou, and PO McMahon's use of force during this incident. The details of the report note that the officers tried to place § 87(2)(b) under arrest and faced active resistance—clenching his arms and stiffening his body.

Threat, Resistance, and Injury Report § 87(2)(b) documents PO Felix's use of his conducted electrical weapon, with probes. The report notes that § 87(2)(b) actively resisted and wrestled/grappled with PO Felix and the reason for the use of the CEW was to overcome resistance or aggression. The serial number to his CEW was noted as § 87(2)(b).

Patrol Guide procedure 221-01 states that when determining if force is reasonable, uniformed members of service should consider the following: "The nature and severity of the crime/circumstances, Actions taken by the subject, Duration of the action, Immediacy of the perceived threat or harm to the subject, members of the service, and/or bystanders, Whether the subject is actively resisting custody, Whether the subject is attempting to evade arrest by flight, Number of subjects in comparison to the number of MOS, Size, age, and condition of the subject in comparison to the MOS, Subject's violent history, if known, Presence of hostile crowd or agitators, Subject apparently under the influence of a stimulant/narcotic which would affect pain tolerance or increase the likelihood of violence." (BR20).

Patrol Guide procedure 221-02 states that when a member of the service must gain compliance, control, or custody of an uncooperative subject, the member should comply with P.G. 221-01 and do the following: Take necessary action to protect life and personal safety of all persons present, including subjects being placed into custody and utilize de-escalation techniques when appropriate and consistent with personal safety, which may reduce or eliminate the need to use force, among other additional steps (BR21).

Patrol Guide procedure 221-08 states that when a member of service is considering the use of a conducted electrical weapon (CEW), they must consider the totality of the circumstances and decide if such a use of force is reasonable and necessary to overcome resistance when effecting an arrest or taking an emotionally disturbed person into custody. Specifically, they should consider the factors noted in PG 221-01—including, but not limited to, the nature and severity of the circumstances, as well as the actions taken by the subject. If possible, officers should issue a verbal warning to the intended subject and other members of service present prior to discharging the CEW (BR22).

It was undisputed that the officers placed § 87(2)(b) and § 87(2)(b) under arrest due to their allegations of being victims of an assault. It was also undisputed that § 87(2)(b) resisted the officers verbal commands to comply with being taken into custody. § 87(2)(g)

As noted above, § 87(2)(b) physically resisted PO McMahon's and PO Ou's attempts to take him into custody by stiffening his body and holding his arms in front of him. § 87(2)(g)

Given that PO Felix pointing his Taser and the officers' use of force just barely and temporarily subdued § 87(2)(b) § 87(2)(g)

Additionally, since PO Felix announced his use of the Taser before deploying the prongs and prepared a TRI documenting his use of the Taser § 87(2)(g)

As captured in BWC, § 87(2)(b) continued to resist physically and verbally after PO Felix



deployed his Taser § 87(2)(e)

§ 87(2)(e)

**Allegation (J) Force: On September 9, 2021, outside of § 87(2)(b) in Brooklyn, Sergeant Smithu Samuel used physical force against § 87(2)(b)**

**Allegation (K) Force: On September 9, 2021, outside of § 87(2)(b) in Brooklyn, Sergeant Smithu Samuel used a chokehold against § 87(2)(b)**

**Allegation (L) Force: On September 9, 2021, outside of § 87(2)(b) in Brooklyn, Sergeant Smithu Samuel restricted § 87(2)(b) breathing.**

In PO McMahon's BWC (BR05), beginning at the 16:51 mark, § 87(2)(b) who is handcuffed and seated on his buttocks with his legs stretched out in front of him, spits on PO McMahon's face. At the 19:23 mark, while PO Slavescu and PO McMahon hold onto § 87(2)(b) shoulders, § 87(2)(b) turns toward PO McMahon, calls him names, and threatens him. The officers continue to hold § 87(2)(b) in place. § 87(2)(b) spits in PO McMahon's direction a second time at the 20:08 mark. Almost immediately after, Sgt. Samuel approaches. PO McMahon states "You're going to spit in my face again?" within earshot of Sgt. Samuel. Sgt. Samuel immediately lifts § 87(2)(b) onto his feet and says, "on the floor." Sgt. Samuel pushes § 87(2)(b) toward the ground, with PO Slavescu and PO McMahon seemingly holding onto § 87(2)(b) right arm.

§ 87(2)(b) stiffens his body and the officers struggle to bring him to the ground. Sgt. Samuel grabs the back of § 87(2)(b) neck and the pushes § 87(2)(b) to the ground, where he lands faced down. § 87(2)(b) says, "you're not strong bro," and Sgt Samuel pushes the side of his face into the grass by the back of his neck. At the 20:33 mark, § 87(2)(b) screams that he has asthma, and he cannot breathe. Sgt. Samuel remains with his hand on § 87(2)(b) head as he screams he cannot breathe. PO Slavescu tries to move § 87(2)(b) from his position, by pulling on his arm, but is unsuccessful. § 87(2)(b) lifts his head a bit, and Sgt. Samuel pushes it down again after PO McMahon confirms that § 87(2)(b) spit on him. PO Slavescu attempts to lift § 87(2)(b) from Sgt. Samuel's grasp again, and Sgt. Samuel tells her to let go, pushing her away. § 87(2)(b) screams to get off of his eardrum. At the 22:50, after Sgt. Samuel remains in the same position, holding § 87(2)(b) head, § 87(2)(b) says that he is "passing out"

PO Caine's BWC (BR23) captures § 87(2)(b) body shaking at the 02:23 mark, where he says that he is "passing out." Sgt. Samuel continues holding onto § 87(2)(b) head after the shaking. At the 02:55 mark, Lieutenant Rowe tells § 87(2)(b) that he is going to help him up, while Sgt. Samuel has his hand on § 87(2)(b) head. Prior to letting go, Sgt. Samuel pushes § 87(2)(b) head into the ground and then lifts himself up.

§ 87(2)(b) (BR06) stated that, due to his falling face-first after being Tased, he had dirt in his mouth and his glasses fell off. He spit out the dirt, but he could not see where he was spitting. One of the male officers screamed as § 87(2)(b) unintentionally spit at him. The male officer said, "oh, you're assaulting an officer," and then lifted him off the ground and brought him down again. Sgt. Samuel placed his knee on § 87(2)(b) spine and placed his elbow on § 87(2)(b) ear, as his face was sideways on the ground. Sgt. Samuel would alternate from having his knee on § 87(2)(b) back, or placing it on his neck, which § 87(2)(b) described as choking. § 87(2)(b) stated that he could not breathe. Sgt. Samuel remained with his knee on § 87(2)(b) for a "while." § 87(2)(b) began shaking, as if he was close to having a seizure, after which Sgt. Samuel removed his body from § 87(2)(b) pressing his knee further into § 87(2)(b) back when pushing himself up.

PO Ou (BR07) and PO Felix (BR10) were not present for the physical altercation when Sgt. Samuel arrived.

PO McMahon (BR08) stated that § 87(2)(b) spat in his face twice during this encounter,

either during the struggle of placing him in handcuffs or after. As PO Slavescu and PO McMahon held § 87(2)(b) on the ground, additional units arrived, including Sgt. Samuel. § 87(2)(b) was agitated and moved his body around trying to get out of the handcuffs. PO McMahon did not recall if anyone told Sgt. Samuel what happened. Sgt. Samuel picked § 87(2)(b) up from the ground and moved him onto the grass. PO McMahon did not recall exactly how Sgt. Samuel made physical contact with § 87(2)(b) to reposition him, nor did he recall if he or any other officer was involved in doing this. § 87(2)(b) landed on his side, and Sgt. Samuel held § 87(2)(b) ear, with his body off to the side of § 87(2)(b) body. PO McMahon was unable to tell if Sgt. Samuel applied pressure to § 87(2)(b) head. PO Slavescu and PO McMahon held onto § 87(2)(b) body, but Sgt. Samuel told them to leave it alone. PO Slavescu and PO McMahon stood back, while Sgt. Samuel held § 87(2)(b) down. § 87(2)(b) was screaming, but PO McMahon did not recall the specific statements. PO McMahon did not observe anything that indicated § 87(2)(b) was unable to breathe. PO McMahon did not remember § 87(2)(b) stating that he could not breathe. PO McMahon did not see Sgt. Samuel make contact with § 87(2)(b) throat or neck.

After one to two minutes, Lieutenant Rowe arrived. Sgt. Samuel rolled § 87(2)(b) onto his stomach for about 10 seconds, and § 87(2)(b) kicked his legs. PO McMahon did not know what could have caused § 87(2)(b) to kick his legs, as he was moving throughout the whole incident. PO McMahon did not recall if Sgt. Samuel was making physical contact with § 87(2)(b) when he was faced down, including touching his neck or throat. Lieutenant Rowe approached § 87(2)(b) during those 10 seconds, rolled him over onto his side, and sat him up.

PO Slavescu's (BR09) statement was generally consistent with that of PO McMahon with the following exceptions noted. PO Slavescu assumed that Sgt. Samuel saw § 87(2)(b) spit toward the officers because when he approached, he grabbed § 87(2)(b) and placed him on the ground. She did not recall how Sgt. Samuel grabbed § 87(2)(b) nor did she remember being involved in doing so. PO Slavescu to the ground to make sure § 87(2)(b) who was lying sideways, was OK. Sgt. Samuel was holding § 87(2)(b) legs down with his legs and had his hand on § 87(2)(b) ear. PO Slavescu did not recall if Sgt. Samuel was applying pressure when making contact with § 87(2)(b) ear, or if Sgt. Samuel made contact with § 87(2)(b) neck or throat. § 87(2)(b) screamed and cursed while on the ground, so PO Slavescu did not believe Sgt. Samuel was restricting his breathing. PO Slavescu did not remember § 87(2)(b) stating that he could not breathe.

Sgt. Samuel (BR24) stated that upon his arrival, he observed the officers struggling to gain control of § 87(2)(b). Sgt. Samuel did not initially recall whether § 87(2)(b) was handcuffed, but, having viewed his BWC, he noted that he was. When Sgt. Samuel observed § 87(2)(b) break free of the officers' grasps, he turned his BWC on and approached § 87(2)(b). Sgt. Samuel grabbed onto § 87(2)(b) in a "football hold" from behind, which he described as wrapping both arms around the stomach area of § 87(2)(b) body, before § 87(2)(b) could flee. The football hold did not allow Sgt. Samuel to gain control, as § 87(2)(b) continued pushing away and moving forward. The football hold lasted seconds. Sgt. Samuel conducted a foot sweep, while maintaining the football hold, where he used his foot to push § 87(2)(b) legs from underneath him—in a tripping motion. The foot sweep caused § 87(2)(b) and Sgt. Samuel to fall, with § 87(2)(b) landing on him. Both parties landed on their left side on a dirt landing. § 87(2)(b) was screaming, but Sgt. Samuel could not specify specific statements. Sgt. Samuel did not recall issuing § 87(2)(b) any commands during the struggle. Sgt. Samuel did not believe any other officers were involved in bringing § 87(2)(b) to the ground. Prior to making physical contact with § 87(2)(b) Sgt. Samuel did not attempt to obtain information from any officers about what happened before he arrived.

On the ground, Sgt. Samuel released the football hold and moved § 87(2)(b) off of his body by rolling underneath him and lifted himself up. Sgt. Samuel did not make physical contact with § 87(2)(b) when lifting his body. § 87(2)(b) remained on his side for a few seconds. Sgt. Samuel believed that § 87(2)(b) calmed down after being on the ground. Sgt. Samuel denied

making contact with § 87(2)(b) neck, throat, or windpipe, and did not make contact with § 87(2)(b) head; however, after viewing PO McMahon's BWC footage, Sgt. Samuel stated that he had his hand on § 87(2)(b) head as a result of the take down. He moved his hand to § 87(2)(b) shoulder after briefly making contact with his head. There was no indication that § 87(2)(b) could not breathe, and § 87(2)(b) did not say that he could not breathe. (After watching PO McMahon's BWC, Sgt. Samuel noticed § 87(2)(b) stating he could not breathe, but did not independently recall this.) Sgt. Samuel remained in the same position, with his hand on § 87(2)(b) shoulder in order to maintain control. Sgt. Samuel's knee never made contact with § 87(2)(b) body, including his spine. Sgt. Samuel did not witness any other officer making physical contact with § 87(2)(b) while he was on the ground.

Threat, Resistance, and Injury Report § 87(2)(b) reported by Sgt. Samuel, notes that he used force against § 87(2)(b) in the form of a take down, as well as wrestling/grappling, due to § 87(2)(b) active resistance and wrestling/grappling (BR25).

Patrol Guide procedure 221-01 states that when determining if force is reasonable, uniformed members of service should consider the following: "The nature and severity of the crime/circumstances, Actions taken by the subject, Duration of the action, Immediacy of the perceived threat or harm to the subject, members of the service, and/or bystanders, Whether the subject is actively resisting custody, Whether the subject is attempting to evade arrest by flight, Number of subjects in comparison to the number of MOS, Size, age, and condition of the subject in comparison to the MOS, Subject's violent history, if known, Presence of hostile crowd or agitators, Subject apparently under the influence of a stimulant/narcotic which would affect pain tolerance or increase the likelihood of violence." This procedure defines a chokehold as any pressure to the throat or windpipe, which may prevent or hinder breathing or reduce intake of air, which is prohibited. Officers are also prohibited from using any level of force on a handcuffed or otherwise restrained individual unless necessary to prevent injury, escape, or to overcome active physical resistance or assault (BR20).

Patrol Guide procedure 221-02 states that when a member of the service must gain compliance, control, or custody of an uncooperative subject, the member should comply with P.G. 221-01 and do the following: Take necessary action to protect life and personal safety of all persons present, including subjects being placed into custody and utilize de-escalation techniques when appropriate and consistent with personal safety, which may reduce or eliminate the need to use force, among other additional steps. This procedure also instructs officers to apply no more than the reasonable amount of force necessary to gain control. Officers are to avoid actions which may result in chest compression, such as sitting, kneeling, or standing on a subject's chest or back, thereby reducing the subject's ability to breathe. Officers should position rear-handcuffed persons to promote free breathing, as soon as safety permits, by sitting the person up or turning the person onto his or her side (BR21).

Sgt. Samuel denied observing or learning from other officers that § 87(2)(b) spat on PO McMahon and based his need to conduct a second takedown only on his observations that § 87(2)(b) was pulling away from and resisting the officers. However, PO McMahon's BWC captures PO McMahon making a statement about § 87(2)(b) spitting on him while within earshot of Sgt. Samuel. The footage also captures § 87(2)(b) handcuffed, seated on the ground, and in PO Slavescu's custody upon Sgt. Samuel's initial approach, while PO McMahon stepped away from § 87(2)(b).

§ 87(2)(g)  
§ 87(2)(b), the BWC does not capture PO Slavescu having any difficulty maintaining control over him. As such, Sgt. Samuel lifting § 87(2)(b) into a standing position to affect a second take down only served to increase the potential for injuries to § 87(2)(b) and the other officers present. Similarly, Sgt. Samuel's pushing § 87(2)(b) head to the ground after Lieutenant Rowe instructed him to release him § 87(2)(g) § 87(2)(b) was in custody and no longer

resisting. § 87(2)(g)

The BWC confirms that Sgt. Samuel held the side of § 87(2)(b) head against the ground for approximately three minutes. § 87(2)(b) was handcuffed for the duration, was no longer physically resisting, told Sgt. Samuel that he had asthma and could not breathe, and, by the end of the three minutes, was apparently beginning to suffer body spasms. Additionally, there were at least four officers surrounding Sgt. Samuel, with PO Slavescu, specifically, trying to intervene. Although § 87(2)(b) was speaking while Sgt. Samuel held his head, § 87(2)(g)

**Allegation (M) Force: On September 9, 2021, outside of § 87(2)(b) in Brooklyn, Lieutenant Marlon Rowe used physical force against § 87(2)(b)**

**Allegation (N) Force: On September 9, 2021, outside of § 87(2)(b) in Brooklyn, Lieutenant Marlon Rowe used a chokehold against § 87(2)(b)**

**Allegation (O) Force: On September 9, 2021, outside of § 87(2)(b) in Brooklyn, Lieutenant Marlon Rowe restricted § 87(2)(b) breathing.**

In PO McMahon's BWC (BR05), at the 24:50 mark, § 87(2)(b) stands up, and the officers all grab a hold of him. Lieutenant Rowe asks if he wants to sit on the stairs, and the officers escort him to the stairs leading to the entrance of the building. At the 25:54 mark, § 87(2)(b) spits toward Lieutenant Rowe, who then lifts § 87(2)(b) shirt from the neck and pulls it over his head. He lowers the neckline of the shirt, placing it under § 87(2)(b) nose like a mask. Lieutenant Rowe holds the shirt in place behind § 87(2)(b) head. § 87(2)(b) says his nose is broken. At the 26:46 mark, Lieutenant Rowe adjusts the placement of § 87(2)(b) shirt and pulls the neckline tightly. § 87(2)(b) screams, "my nose." Lieutenant Rowe tells him to stop spitting. § 87(2)(b) says he cannot breathe, and that Lieutenant Rowe is pulling his hair and breaking his nose. Lieutenant Rowe tells § 87(2)(b) that he spit on him and PO McMahon and that he needs to stop. At the 27:21 mark, § 87(2)(b) shirt goes under his nose and Lieutenant Rowe adjusts it to go over his nose, telling him to stop spitting. At the 30:15 mark, as PO McMahon has his eye flushed, § 87(2)(b) says that Lieutenant Rowe was choking him. Lieutenant Rowe denies it, stating that he did not have his hands around § 87(2)(b) neck. § 87(2)(b) says he has asthma. At the 34:36 mark, Lieutenant Rowe lets go of § 87(2)(b) shirt and the EMTs place a mask on his face.

§ 87(2)(b) (BR06) stated that Lieutenant Rowe assisted him with getting off the ground either by lifting him by the handcuffs or by his shirt. Lieutenant Rowe escorted § 87(2)(b) to the stairs by the building entrance, where § 87(2)(b) sat down. Lieutenant Rowe grabbed § 87(2)(b) shirt from behind and pulled the front of the shirt over his nose and mouth, given that § 87(2)(b) did not have a mask. Lieutenant Rowe pressed his knee in between § 87(2)(b) shoulder blades, while he aggressively pulled § 87(2)(b) shirt. § 87(2)(b) had difficulty breathing while the shirt was over his nose and mouth.

§ 87(2)(g)



**Allegation (P) Untruthful Statement: On June 23, 2022, at 100 Church Street in Manhattan, Sergeant Smithu Samuel provided a false official statement to the CCRB.**

PO McMahon's BWC (BR05), which clearly captures Sgt. Samuel's physical interaction with § 87(2)(b) during this incident, shows how Sgt. Samuel held § 87(2)(b) head against the ground beginning around the 20:25 mark. PO Slavescu attempts to lift § 87(2)(b) from the ground, and Sgt. Samuel tells her to let go. § 87(2)(b) immediately states that he cannot breathe, after which PO Slavescu attempts to lift him again. Sgt. Samuel reiterates for PO Slavescu to let go and physically pushes her away at the 21:02 mark. Sgt. Samuel remains in the same position until the 21:30 mark. § 87(2)(b) makes multiple statements requesting Sgt. Samuel to get off of his head and his ear drum. However, PO McMahon's camera angle does not clearly capture § 87(2)(b) positioning throughout the entire footage. PO Caine's BWC (BR23) clearly captures Sgt. Samuel's unmoving positioning, with his hand on § 87(2)(b) head, from the 01:31 mark until the 02:56 mark. At the 02:18 mark, § 87(2)(b) says he is "passing out," and begins shaking his body and screaming. Sgt. Samuel remains with his hand on § 87(2)(b) head. Neither video clip captures Sgt. Samuel's hand on § 87(2)(b) shoulder.

In Sgt. Samuel's CCRB interview (BR24), he acknowledged placing his hand on § 87(2)(b) head when he initially landed on the ground. After watching footage from PO McMahon's BWC, from the 20:27 mark to the 21:08 mark, Sgt. Samuel stated that his hand did not remain on § 87(2)(b) head throughout the duration of the footage. He stated that he observed his hand on § 87(2)(b) hair. After watching PO Caine's BWC, from the 2:14 mark to the 3:01 mark, Sgt. Samuel reiterated that his hand was on § 87(2)(b) hair, which he specified was on § 87(2)(b) shoulder. Sgt. Samuel denied making contact with the hair on § 87(2)(b) scalp.

NYPD Administrative Guide 304-10 (BR29) defines a false statement as an intentional statement that a member of service knows to be untrue, which is material to the outcome of an investigation. A material fact is defined as a significant fact that a reasonable person would recognize as relevant to, or affecting, the subject matter of the issue at hand, including any foreseeable consequences, or establishment of the elements of some proscribed conduct. Officers are prohibited from making false official statements.

Upon reviewing PO McMahon's BWC and PO Caine's BWC, which captured § 87(2)(b) second take down and his subsequent positioning on the ground, Sgt. Samuel denied making continuous contact with § 87(2)(b) head during this incident. Sgt. Samuel claimed that he briefly touched § 87(2)(b) head, moving his hand to § 87(2)(b) shoulder for the remainder of the encounter on the ground. Sgt. Samuel purposely denied observing his hand on § 87(2)(b) head, despite the BWC which clearly captures his unmoving positioning by § 87(2)(b) head from two separate angles, as well as multiple statement from § 87(2)(b) about Sgt. Samuel being on his head. Sgt. Samuel was the subject of these allegations, he was presented clear evidence and an opportunity to amend his statement, and his statement was material to the investigation. § 87(2)(g)

§ 87(2)(g), § 87(4-b)

§ 87(2)(g), § 87(4-b)

### Civilian and Officer CCRB Histories

- § 87(2)(b) [REDACTED]
  - [REDACTED]
  - [REDACTED]
  - [REDACTED]
  - [REDACTED]
- This is the first CCRB complaint in which § 87(2)(b) [REDACTED] has been named a party (BR33).
- Lieutenant Marlon Rowe retired from the NYPD on July 25, 2022 (BR26). Prior to retiring, he was the subject of 15 CCRB complaints and 34 allegations, none of which have been substantiated. § 87(2)(g) [REDACTED]
- Sergeant Smithu Samuel has been a member of service for 19 years, where he has been named the subject of six other CCRB complaints and 13 allegations, three of which were substantiated.
  - 201106245 involved an allegation of failure to prepare a memo book entry, which was cited as other misconduct.
  - 202102419 involved a substantiated allegation of physical force, where the board recommended command discipline B. § 87(2)(g), § 87(4-b) [REDACTED]
  - § 87(2)(g) [REDACTED]
- PO Ou has been a member of service for three years and this is the first CCRB complaint where she has been named a subject.
- PO McMahon has been a member of service for two years and this is the first CCRB complaint where he has been named a subject.
- PO Slavescu has been a member of service for four years, where she has been named a subject in one other CCRB complaint and two allegations, § 87(2)(g), § 87(4-b) [REDACTED]
  - § 87(2)(g), § 87(4-b) [REDACTED]
  - § 87(2)(g) [REDACTED]
- PO Felix has been a member of service for 11 years, where he has been named the subject in three other CCRB complaints and three allegations, § 87(2)(g), § 87(4-b) [REDACTED]
  - § 87(2)(g), § 87(4-b) [REDACTED]
  - § 87(2)(g) [REDACTED]

### Mediation, Civil, and Criminal Histories

- This case was not suitable for mediation.
- On September 26, 2022, the Office of the New York City Comptroller confirmed that neither § 87(2)(b) nor § 87(2)(b) filed a notice of claim regarding this incident (BR31).

[illegible]

Squad: 10

Investigator: Jessica Russo      Inv. Jessica Russo      11/14/2022  
Signature      Print Title & Name      Date

Squad Leader: Maura R. Roche      IM Maura R. Roche      11/14/2022  
Signature      Print Title & Name      Date

Reviewer: \_\_\_\_\_

Signature \_\_\_\_\_ Print Title & Name \_\_\_\_\_ Date \_\_\_\_\_